

Appl. No. : 09/898,990  
Filed : July 3, 2001

### REMARKS

The foregoing amendments are responsive to the February 2, 2004, Final Office Action. Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and the following remarks.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

#### Response to Rejection of Claims 8- 20 Under 35 U.S.C. 102(b)

The Examiner rejected Claims 8-20 Under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,337,744 to Branigan. Applicants respectfully disagree with the Examiner's characterization of Branigan. The finger cots taught by Branigan suffer from the light piping phenomenon that Applicants have identified as a source of errors in pulse oximetry systems. The Examiner admits that the finger cot of Branigan provides a relatively close fit. However, without providing an optical obstruction, such relatively close fit will not prevent light piping. Branigan does not teach or suggest such obstruction.

Nevertheless, in order to expedite allowance of the remaining Claims, Applicants have canceled Claims 8-20

#### Summary

The Examiner has indicated that Claims 21-26 are allowed. As Claims 21-26 are the only claims remaining, Applicants request a notice of allowance for Claims 21-26. If there are any remaining issues that can be resolved by a telephone conference, the Examiner is invited to call the undersigned attorney at (949) 721-6305 or at the number listed below.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: Apr 2, 2004

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